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ABSTRACT

This paper describes the process by which Metropolitan State College of Denver (MSCD), Colorado, developed a training program for faculty and staff to inform them about the provisions of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973. The process developed by this college can serve as a model for others. The most important single factor in program success was determined to be the involvement of all levels of the institution. At MSCD, the process began with the involvement of the college president, who appointed a task force to study the moral, educational, and legal issues involved in providing the best reasonable education to students with disabilities. Training sessions were developed and presented, emphasizing the role of the campus Office of Disability Services and the roles of the faculty, department chairs, the Student ADA Coordinator, the Equal Opportunity Officer, and the college attorney. During the 1998-1999 school year, approximately 36 ADA workshops were held for faculty, and approximately 95% of the faculty attended workshops. (SLD)

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MODEL FOR CAMPUS-WIDE FACULTY AND STAFF DEVELOPMENT ON THE INSTITUTIONAL, FACULTY, AND STAFF RIGHTS AND RESPONSIBILITIES REGARDING STUDENTS WITH DISABILITIES

BY

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The provisions of the Americans with Disabilities Act (1990) and Section 504 of the Rehabilitation Act (1973) mandate that all institutions of higher education provide reasonable accommodations to all students. The social and political leadership position of institutions of higher education also obligate them to provide all reasonable assistance to students with disabilities. Colleges and universities have both compliance and a moral commitment to following the law and the spirit of the law in providing reasonable accommodations to their students with disabilities. Metropolitan State College of Denver recognized this legal and moral obligation and developed an aggressive training program for faculty and administrative staff.

The ADA Task Force

The most important single factor in an effective ADA training program on a campus is the involvement of all levels of the institution, from the highest level of administrators to the students. One of the keys to the success of this program at MSCD was the involvement of the President of the College right from the start of the program.

President Sheila Kaplan established an ad hoc task force to determine ways to meet these challenges. President Kaplan charged the task force to develop a resource guide concerning college students with disabilities. In July 1998, a resource guide entitled "A Desk Reference Guide for Students, Faculty, and Staff Concerning College Students with Disabilities" was developed.

Goals

Upon completion of the guide, President Kaplan charged the group to develop a series of workshops to be implemented during the 1998 fall and 1999 spring semesters to:

1. Disseminate to faculty the Guide;
2. Educate faculty about the basic legal principles of legal educational accommodations for students with disabilities;
3. Educate faculty about the resources that have been identified in the resource guide that are available to faculty when providing programs and services to students with disabilities;
4. Educate faculty about what procedures to follow when students are requesting and obtaining an accommodation;
5. Educate faculty about what are possible reasonable accommodations for different types of disabilities;
6. Educate faculty about tips that facilitate students with learning disabilities; and

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7. Educate faculty about tips for disability awareness.

ORGANIZING AN ADA EDUCATIONAL PROGRAM

The task force studied the moral, educational and legal issues involved with providing the best reasonable education to students with disabilities, and produce educational documents and a workshop schedule for faculty and administrators to provide campus wide information and education on these issues. The composition of this task force, the documents it produced, the workshop schedule it implemented, and the results produced by these factors, are the subjects of this round table discussion.

The organizing task force contained representatives from the student government, faculty, and chairs, Disability Services Office, Director of Equal Opportunity, College Attorney, and Student ADA Coordinator. This Task Force reported directly to the President.

The first organizational task was to set the basic structure of the training sessions. Every reasonable effort was made to include every administrator from Vice Presidents on down, every faculty member in at least one orientation training session on the provisions and spirit of the ADA and the mission of the college. Workshops were presented throughout the academic year. There were two-hour workshops for deans and department chairs, and one-hour workshops for faculty.

Determining the subjects to be presented in the training sessions took most of the time of the task force. The decision was made to provide each of the major groups within the matrix with a chance to present the rights and obligations of that group from their own perspective.

Recording attendance at these sessions is essential if the goal of 100% participation is the goal. Attendance sheets were kept for every training session, and follow up notices went out to faculty members who had not attended the sessions early on. Part-time faculty members were given a $50.00 stipend for attending one of the sessions.

THE PRESENTATION OF TRAINING SESSIONS

The training sessions contained representatives of the major faculty and staff components represented on the task force. It was felt that it was important that a member of that individual group present each of the perspectives. The presentations were made in a round table format.

The Introduction

The introductory statement emphasized the definition of a disability, the provisions of the ADA and Section 504 of the Rehabilitation Act, and the role of accommodation to students with disabilities inherent to the role and mission of MSCD.

The Student

The students on any campus will be the major group involved in ADA accommodations on the basis of simple numbers. While the basic provisions of laws providing accommodations to students with disabilities apply to all people on a campus, most accommodation activities will center on students. . Points emphasized on the ADA were:

Students are entitled to reasonable accommodation to recognized disabilities if they follow the established procedures for evaluation of their challenge and determination of a reasonable accommodation program. This is a right, and is the law;

Students with disabilities have the responsibility to make a reasonable effort to inform themselves of their rights and responsibilities under the ADA law;

Students with disabilities should self-identify themselves to the Office of Disability Services if they are requesting special accommodations;

Students with disabilities must submit documentation of a disability, or submit to evaluation to determine if a true challenge exists;

Students with disabilities need to inform faculty members of their disability and of the accommodation considered appropriate.

The clinical side of the disability is confidential, but the student must provide the instructor with verification from the College's Office of Disability Services before expecting any special accommodation for a disability.

The student is expected to meet the academic performance standards of the class after a reasonable accommodation is provided.

The Disability Services Office (DSO)

The Office of Disability Services is generally the first contact the student with a disability makes on our campus. DSO activities emphasized were:

The DSO is the location of the records on disability students, their evaluations, and their accommodations;

The DSO is responsibility for the determination of a reasonable accommodation for any student with a challenge;

The DSO provides the verification of the disabilities and the accommodation considered appropriate to the instructor, and works together with the student and the faculty member to make the activities involved successful;

The DSO provides resources for appropriate accommodations whenever possible;

The DSO may provide special testing facilities in writing examinations;

The DSO may arrange other special services to challenged students.

The Faculty

The faculty typically carries out the instructional accommodations determined somewhere else for the students and for them. If these campus policies on implementing the provisions and the spirit of the ADA are to succeed, the faculty needs to be informed of their rights, and responsibilities, within the campus policies of instructing and accommodating students with a challenge. The interaction between the students and the faculty members is also a point at which misunderstandings can arise and cause incidents between students and the institution. The factors involving the faculty that were selected for emphasis were:

The faculty must make a reasonable effort to be informed on the ADA policies of the campus;

The faculty has a responsibility to provide basic information on ADA services and activities to the students;

The faculty must coordinate with the department chair and the DSO in trying to accommodate students with a disability;

The faculty must, under the law, provide a reasonable accommodation as determined by the DSO and consultants;

The faculty member needs to demonstrate sensitivity to the needs and the frustrations of the disabled student;

The classroom instructor also serves as a role model to set the tone for the acceptance of students with disabilities.

The faculty, both full time and part-time, were reminded of their pivotal role in making the campus a friendly place for students with disabilities, and of carrying out the accommodations needed by the challenged students to succeed in higher education.

The Department Chair

The department chairs are the mid-level representatives of the college in the administration of the provisions of the ADA. Positioned between the students, and faculty of the department and the administrative offices of the college. The department chair serves key roles in the administration of the ADA on any higher education campus. Notable responsibilities indicate the following functions:

To stay informed of ADA policies and procedures appropriate to the level of the academic department;

To make a reasonable attempt to keep the faculty and staff informed on ADA policies;

To make sure that general ADA information is provided to students early in the term, in every class in the department;

To see that all truly challenged students receive fair and respectful treatment in the academic department;

To serve as a role model who complies with and supports the provisions of the ADA.

The Student ADA Coordinator (SAC)

The SAC also serves as the Assistant Vice President of Student Services and has a wide variety of duties in student services, only part of which involves the provisions of the ADA. The breadth of the responsibilities of the SAC means that it has many peripheral interactions with the ADA, however, and is critical to its successful functioning on any campus. The following services of the SAC to students with disabilities were emphasized:

The SAC frequently is involved in trying to resolve conflicts of students with disabilities and instructors;

The SAC in collaboration with the College's EO office does self-study reports of ADA activities on the campus to determine the success and the status of the program;

The SAC has a role in the development of ADA policy training for the faculty and staff;

The SAC must have representation on any ADA advisory committees;

The SAC must file an annual report on campus ADA services provided, requiring that the personnel of this office attend training sessions of the provisions of the ADA on a continuing basis;

The SAC can serve as a liaison between the DSO and the faculty or the administration on issues related to the policies and campus activities involving the ADA. ;

The SAC can serve as a representative to architectural firms on design and construction of facilities that are disabled student friendly.

ADA/504 Role And Responsibilities Of The EEO

The Equal Opportunity Officer coordinates the MSCD's overall Equal Opportunity/ Affirmative Action program. Relative to the Americans with Disabilities and Section 504 of the Rehabilitation Act, the duties of the EEO emphasized in the training sessions were that:

The *EEO will verify that equal access/opportunity has been extended to disabled persons (employees, disabled veterans and students) and facilitate access to College grievance procedures.*

The College Attorney

The college attorney served as a legal advisor throughout the ADA training process, both to determine and to interpret the law. It is strongly recommended that any ADA or other civil rights training sessions involve an attorney. The legal advice of the college attorney proved extremely valuable throughout the ADA training sessions.

Outcomes of the Educational Model

Disabilities issues are easy to define but are sometimes hard to decide. The evolving body of laws, regulations, and guidelines are often vague and hard to interpret when faculty and staff are trying to make compliance decisions regarding accommodating students with disabilities. For example, the laws generally protect any student who has, or is regarded as having:

1. A physical or mental "impairment"
2. Which "substantially" limits
3. One or more of the "major life activities"
4. Of a person who is "otherwise qualified" in that he or she "meets the academic and technical standards requisite to admission or participation in the educational program or activity."

Each element of this general statement has been subjected to legal dispute. For example:

Can a contagious disease be a disability or handicap? Answer. It depends.
How about alcoholism or drug abuse? Answer. It depends.

The implementation of the workshops resulted in the following:

1. During the 1988/99 academic year approximately 36 ADA workshops have been conducted for full and part-time faculty;
2. Approximately 95% of the faculty have attended the workshops;
3. Approximately 95% of the faculty now know the process the College has in place to determine student eligibility for reasonable accommodation based on their disability;
4. Approximately 95% of the faculty have been informed about the College's policies and procedure regarding ADA and 504;
5. Approximately 95% of the faculty have been informed about their rights and responsibilities regarding students with disabilities; and
6. Approximately 95% of the faculty has received a list of resources to provide guidance on accommodations requests.

Given the aforementioned goals, methodologies, scenarios, and outcomes, we thought it would

Be instructive in a roundtable discussion to share with our colleagues the approach the College is Taking to comply with the requirements of the American With Disabilities Act and Section 504 Of the Rehabilitation Act of 1973.